

HISTORIC DISTRICT COMMISSION AMHERST, MASSACHUSETTS

RULES AND REGULATIONS

1. GENERAL RULES; JURISDICTION

The Historic District Commission ("the Commission") shall be governed by the Historic District Bylaw of the Town of Amherst (the "Bylaw"), and by Chapter 40C of the General Laws of Massachusetts, as amended. The Town's jurisdiction in regard to the Bylaw shall be delineated on the official Local Historic District Map of the Town of Amherst, on file in the Amherst Town Clerk office, Planning Department office, the Hampshire County Registry of Deeds and at the Massachusetts Historical Commission.

The Commission has adopted these Rules and Regulations under the authority of Section 5.2 of the Bylaw, which authorizes the Commission to adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the Bylaw.

2. MEETINGS OF THE COMMISSION; RECORDS

Regular Meetings of the Commission generally shall be held on the first Monday of each month at 3:00pm in Town Hall or at such other dates and times as the Commission shall determine hereafter. Notice of the date, time, and location of all meetings shall be posted in the Town Hall at least 48 hours prior to their scheduled time. A quorum of four members is required for the Commission to conduct any business and to vote on all matters.

Special Meetings of the Commission may be held at the call of the Chair or at the request of two members. Notice of Special Meetings shall be posted as above.

Cancellation of Meetings. If there is no Commission business to conduct, the Chair may dispense with a meeting by giving notice to all members and alternate members and by posting a notice of the cancellation in Town Hall.

Certificates shall be recorded with the Town Clerk within 60 days of the receipt of an application for a certificate. In addition copies of the Certificate will be sent to the property owner and placed in the Commission's files. Copies of all Certificates of Appropriateness will be sent to the Building Commissioner.

3. CHANGES REQUIRING COMMISSION APPROVAL

3.1 Changes not requiring Commission approval.

Construction and alterations not requiring a building permit may be undertaken without applying for a certificate from the Commission, unless such construction or alteration would remove an exterior architectural feature.

Before undertaking any construction or alterations as to which there is any doubt whether

approval is required as to the jurisdiction of the Commission, the owner or applicant should contact the Amherst Building Commissioner (the “Building Commissioner”) or a designated person in the Town Planning Department. Applicants may also contact the Commission by e-mail or through the Building Commissioner.

3.2 Changes Requiring Commission Approval

Most changes in the exterior appearance of a building or site located within the District require that the Commission issue a Certificate of Non-Applicability, a Certificate of Appropriateness, or a Certificate of Hardship.

3.2.1 Before any work begins, the Building Commissioner shall determine pursuant to Section 7.8 of the Bylaw whether the application is “not subject to review of the Commission” based on Sections 6, 9, and 10 of the Bylaw. The Building Commissioner shall make this determination and issue a Certificate of Non-Applicability on behalf of the Commission within five (5) business days following the filing of an application that is “not subject to review of the Commission.” All such actions by the Building Commissioner shall be reported to the Commission at its next meeting.

The following alterations of exterior architectural features, visible or not visible from a public way, have been determined, in accordance with Section 10 of the Bylaw, not to require review by the Commission and thus to be subject to approval by Certificate of Non-Applicability:

3.2.1.a - Windows – Replacement of windows by windows of the same number of panes, with substantially similar dimensions of muntins, frames, sash, rails and stiles; and made of material having a substantially similar appearance.

3.2.1.b – Vinyl siding – Replacement of vinyl siding by substantially similar vinyl siding.

3.2.1.c – Stairs – Replacement of stairs by stairs having a substantially similar appearance, using substantially similar materials.

3.2.1.d – Balcony, decking, and handrails – Replacement of a balcony, decking, or handrails with a balcony, decking, or handrail having a substantially similar appearance, using substantially similar materials.

3.2.1.e – Roof material – Installation of asphalt shingles to replace dissimilar asphalt or other roof materials.

3.2.1.f – Solar panels – Non-reflective solar panels installed flat (not inclining) on a roof.

3.2.1.g – Doors – Replacement of an existing door with a door appropriately designed with regard to architectural style.

3.2.1.h - The ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a material change in design, material or the outward appearance thereof.

3.2.1.i – Flue cap - Installation or replacement of a flue cap on an existing chimney or vent stack.

3.2.1.j – Electrical box – Installation or replacement of additional meters, solar disconnect box, mini split electrical box, or similar electrical utility box, if it is immediately adjacent to existing utility, mechanical and electrical equipment/boxes on the structure.

3.2.1.k – Exterior Condenser/Compressor Unit – the installation of an exterior compressor/condenser, if all of the following apply:

- there are 2 or fewer per structure,
- the highest point of the condenser/compressor is less than 5' off of the ground,
- it remains screened from view with vegetation, and
- it is not within 10' of an entry
- encapsulated line set on exterior of structure shall be no longer than twenty (20) feet in aggregate per unit .

3.2.1.l – Exhaust Vent - Installation or replacement of single exhaust vent for a dryer, bathroom, or kitchen attached to no greater than a 6" diameter duct

3.2.1.m – Plumbing vent through roof - Installation or replacement of a plumbing vent through roof.

3.2.1.n – Vent Hood - Installation or replacement of standard direct vent hood (for an interior unit such as combustion heater or boiler).

3.2.2 Each application requiring Commission approval shall be upon a form to be designated by the Commission and accompanied by such plans, elevations, photographs, specifications, material and other information as may be deemed necessary by the Commission. To avoid incomplete applications with attendant delays, applicants are required to schedule an appointment with the Building Commissioner and Town Planning Department staff at which time the application will be reviewed for completeness and accepted for filing if complete.

The Commission establishes an Application Fee paid by an applicant to help defray the costs to the Town of administering the application and publishing the hearing notice in the Daily Hampshire Gazette. The fee of \$50 shall be collected at time of application and is required for an application to be considered complete and reviewed by the Commission

3.3 Hearing Procedures

The Commission shall consider applications in the order of their receipt. An applicant may appear in person or by agent at the Commission hearing. Review of an application at a public hearing shall generally be conducted according to the following procedure:

1. The chair opens the public hearing, explaining the procedures of the Commission and the legal framework under which the Commission is acting, including other Town laws or procedures relevant to the application.
2. The applicant or his or her representative presents the application.
3. Questions by Commission members, coordinated by the Chair.
4. Comments by members of the public.
5. Opportunity for the applicant to make a summation statement.
6. Close of the evidentiary part of the public hearing, or, if necessary, continuation of the hearing to a date and time certain.
7. After the evidentiary part of a public hearing is closed, the Commission deliberates on the

application, with further input from the applicant or members of the public received only on request.

8. After the Chair states findings under the governing Bylaw provisions and the Commission's Rules and Regulations, the Commission votes whether to issue a Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship. The Commission may continue the deliberative part of the public hearing, or it may request that the application be withdrawn or revised.

3.4. Site Visits

The Commission shall view all properties that come before it by application, unless the Building Commissioner has determined to issue, or recommend that the Commission issue, a Certificate of Non-Applicability, in which case the Chair may waive a site visit. The purpose of a site visit is to observe and inspect exterior architectural features, subject to an application to the Commission in relation to similar features of buildings or structures in the surrounding area. Applicants shall be notified of the site visit and should be prepared to meet with the Commission at the site. Testimony shall not be taken at the site visit.

3.5 Issuance of Certificates of Appropriateness

The Commission shall follow all the procedures for review of applications contained in Section 7 of the Bylaw. If a public hearing is required under Section 7.4 of the Bylaw, all the costs of notifying owners of all adjoining properties and other town officials and publishing public notices shall be paid by the applicant. Pursuant to Section 7.13 of the Bylaw, in addition to an aggrieved person's right to appeal an adverse decision to the Hampshire Superior Court, such person may first seek review by an arbitrator designated by the Pioneer Valley Regional Planning Commission.

3.6 Duration of Certificates of Appropriateness

A Certificate of Appropriateness shall remain valid for work commenced within a period of one year from the date of its issuance. If at the end of the year the work has not been commenced and prosecuted with due diligence, the Certificate shall expire and be of no further effect. Before the date of expiration, however, the applicant may file a request for an extension of time. At its discretion, the Commission may grant, in writing, one or more extensions of the Certificate for periods not exceeding ninety days each. A new owner who wishes to continue the authorized work must apply to the Commission for a transfer of the Certificate to his or her name.

3.7 Guidelines for Decisions

In administering the Bylaw the Commission and the Building Commissioner may be guided by the current versions of such Town of Amherst documents as the Preservation Plan, the Master Plan, the Design Review Board Handbook, the Zoning Bylaw and any other land use Bylaws of the Town. As to all procedural matters not covered in these Rules and Regulations, those of the Zoning Bylaw shall apply.

As to the features of all buildings deemed by the Commission to be significant to the history of the Town of Amherst, the Commission may also be guided in part by various technical publications issued from time to time by Federal and State entities and other organizations concerned with the preservation and protection of historic buildings. These publications may include the Massachusetts

Historical Commission's Preservation Planning Manual, the Massachusetts Historical Commission's Massachusetts State Historic Preservation Plan, the National Park Service's Historic Buildings Preservation Briefs, and the US Department of Commerce's Preservation Tech Note.

3.8 Public Meetings

Public meetings shall be conducted in accordance with the Commonwealth of Massachusetts Open Meeting Law, MGL 30A, §§ 18-25. Notice for each meeting shall be filed with the Town Clerk and publicly posted on the Town's website at least 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays.

Public meetings, while open to the public, are not public hearings. Applications for Certificates of Appropriateness are heard in public hearings described in Section 3.3.

Business conducted at public meetings shall include:

- Review of changes in approved site plans, elevations, etc. to determine whether such changes are substantially in accordance with plans, etc. approved by the Commission in approving the issuance of a Certificate of Appropriateness.
- Administrative meetings of the Commission.

3.9 Demolitions

Applications for a Certificate to approve a demolition, as defined in Sec. 13.2 of the Amherst Historic Demolition Bylaw (Article 13 of the Amherst Zoning Bylaw), will be reviewed by the Commission together with the owner's plans for any building or structure whose construction shall have been made possible by the demolition. If the Owner does not present plans for such replacement building or structure at the time of seeking approval for a demolition, the Commission will consider any later applied-for construction or alterations both in itself and as alterations from the previously demolished structure.

4. ENFORCEMENT AND PENALTIES

The Commission shall have all the legal remedies available to it under Chapter 40C of the General Laws of Massachusetts, including the remedies listed in Section 11 of the Bylaw.

The date of adoption of these Rules is April 29, 2013

These Rules and Regulations of the Historic District Commission may be amended by an affirmative vote of not less than four members of the Commission, provided that such amendment shall have first been presented in writing at a meeting preceding that at which the vote is taken. The Commission shall file a copy of any such amendments with the Town Clerk.

Amended:

November 18, 2013, Approved December 16, 2013

December 11, 2017, Approved January

September 21, 2020